



Writer's Direct Dial: (415) 400-3004
E-mail: egreenstein@ktmc.com
Please reply to the San Francisco Office

October 23, 2012

VIA ELECTRONIC COURT FILING

Honorable Jacqueline Scott Corley
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re SunPower Sec. Litig.*, Case. No. 09-cv-5473 (N.D. Cal.)

Dear Judge Corley:

The parties in the above-referenced action jointly write to apprise the Court of the status of the discovery disputes addressed in the Court's September 20, 2012 Order (the "Order"). Pursuant to the Order, the parties engaged in four separate meet and confer sessions (three in person; one telephonically) to attempt to resolve the issues raised in Plaintiffs' August 22, 2012 Motion to Compel (Docket No. 207).

Although the parties continue to disagree regarding the scope of certain of Plaintiffs' document requests and the SunPower custodians to be searched for responsive documents, we have nonetheless reached a compromise that will permit document discovery to continue without further Court intervention on Plaintiffs' Motion at this time. The parties agree that the compromise is not a concession or waiver regarding the merits of their respective positions in connection with Plaintiffs' Motion. The compromise is also without prejudice to Plaintiffs renewing or raising related disputes in a future joint discovery letter as permitted under the Federal and Local Rules and this Court's Civil Standing Order, or to Defendants' ability to object to or oppose such requests for relief, or affirmatively to seek appropriate relief themselves.

Accordingly, no further Court assistance is needed regarding Docket No. 207 at this time. We appreciate the Court's time and attention to this matter.

Respectfully Submitted,

KESSLER TOPAZ MELTZER
& CHECK, LLP

MORRISON & FOERSTER LLP

A handwritten signature in black ink, appearing to read "E.R. Greenstein", written over a horizontal line.

Eli R. Greenstein
Co-lead Counsel for Plaintiffs

A handwritten signature in black ink, appearing to read "C. Martin", followed by the initials "EES" in a smaller font, written over a horizontal line.

Craig D. Martin
Counsel for Defendants